

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

July 16, 2002

DIVISION ONE

B150787 People (Not for Publication)
v.
Jimenez

The judgment is affirmed.

Ortega, J.

I concur: Spencer, P.J.
I dissent and concur: Mallano, J. (Opinion)

DIVISION TWO

B147579 Stadish
v.
Southern California Gas Company

Filed order denying petition for rehearing.

DIVISION THREE

Court convened at 9:30 A.M.

Present: Klein, P.J., Croskey, J., Aldrich, J. and Valorie Gray, Deputy Clerk.

DIVISION THREE (Continued)

Each of the following:

B154027 Children and Family Services v. Rosa P., et al.
B154820 Children and Family Services v. Michael & Tammy R.
B153921 People v. Wright
B149283 People v. Barrett
B151156 People v. Anderson
B149815 People v. Gutierrez
B143254 Cavanaugh v. Berney
B158629 Karina R. v. S.C.L.A.
B153755 People v. Lucas
B153312 People v. Hammond
B155126 People v. Tharpe
B154941 People v. Christopher E.
B149935 People v. Molina

Argument waived, cause submitted.

B152683 Faulk
 v.
 Leaf

Appearances:

Mark M. O'Brien for appellants. No appearance by respondents. Argument waived, cause submitted.

B153286 Goodall
 v.
 Bryant Enterprises, Inc., et al.

Merits:

Argued by Charles C. McKenna for appellant and by Bethany A. Pelliconi for respondents. Cause submitted.

B152455 Kuk Bo Construction Group, et al.
 v.
 Crown Tear-Off & Disposal, et al.

Merits:

Argued by Martin Wolf for appellant. No appearance by respondent. Cause submitted.

DIVISION THREE (Continued)

B154733 People
 v.
 Hernandez

Merits:
Argued by Jeffrey Hans Leo for appellant and by Allison Chung, deputy attorney general for respondent. Cause submitted.

B152223 Jo
 v.
 Byun, et al.

Merits:
Argued by Shelley Kaufman for appellants and by Ryan C. Lee for respondent. Submission deferred.

B154439 Los Angeles County, D.C.S.
 v.
 Charlene J.

Merits:
Argued by Charlene J., appellant in propria persona and by Stephanie Farrell, deputy county counsel, for respondent. Cause submitted.

B153624 Union Rescue Mission
 v.
 Richley, et al.

Merits:
Argued by William Beverly for appellants and by Stephen Fleishman for respondent. Cause submitted.

Court recessed at 11:20 A.M.

Court reconvened at 1:30 P.M.

DIVISION THREE (Continued)

Court reconvened at 1:30 p.m.

Present: Klein, P.J., Croskey, J., Aldrich, J. and Valorie Gray, Deputy Clerk.

B149532 McDonald
v.
J & J Roofing

Merits:

Argued by Richard L. Daniels for appellant and by Raymond C. Dion for respondent. Cause submitted.

B153036 People
v.
Derick Lamont R.

Merits:

Argued by Sally P. Brajevich for appellant and by Renee Rich, deputy attorney general, for respondent. Cause submitted.

B152028 People
v.
Jordan

Merits:

Argued by Carol S. Boyk for appellant and by Xiomara Costello, deputy attorney general for respondent. Cause submitted.

B152347 Melnik
v.
JB Oxford & Company, et al.

Merits:

Argued by Julia A. Redlich for appellant and by Harry Isaac Johnson for respondents. Cause submitted.

DIVISION THREE (Continued)

B149853 Intriligator
v.
Loew's Santa Monica Beach Hotel, et al.

Merits:
Argued by Peter Bersin for appellant and by Kenneth Scott Perri and Joyce L. Mavredakis for respondents. Supplemental brief due by respondent on July 26, 2002 and reply due by appellant on August 5, 2002. Submission deferred.

Court adjourned at 3:50 P.M.

B140921 Donald M. Matthews
v.
International Longshoremen's and Warehousemen's Union, Local No. 13

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)

DIVISION FOUR

[illegible]

The judgment is affirmed.

Curry, J.

We concur: Epstein, Acting P.J.
Hastings, J.

DIVISION FIVE

B145879 Norman J. White et al. (Not for Publication)
v.
Takeko Amy Amano et al.

The appeal is dismissed. Takeo Amy Amano, Takeo Amano, Beverly Amano, and Stacey Amano shall recover their costs on appeal jointly and severely from Norman J. White and Takashi Kubota.

Turner, P.J.

We concur: Grignon, J.
Mosk, J.

B152547 Annette Hurd (Not for Publication)
v.
Windsor Garden Convalescent Hospital

The nonsuit order is reversed. Plaintiff, Annette Hurd, shall recover her costs incurred on appeal from defendant, Windsor Garden Convalescent Hospital.

Turner, P.J.

We concur: Armstrong, J.
Mosk, J.

B157445 Socorro L.
v.
Superior Court, Los Angeles County
(D.C.F.S., r.p.i.)

The motion to dismiss the petition for extraordinary writ is denied. The petition for extraordinary writ is denied.

Grignon, Acting P.J.

We concur: Armstrong, J.
Mosk, J.

DIVISION FIVE (Continued)

B152605 People (Not for Publication)
v.
Jack Kreis

The case is remanded to allow the trial court to either strike or impose an additional prior prison term enhancement in compliance with Penal Code section 1385, subdivision (a). In all other respects, the judgment is affirmed.

Turner, P.J.

We concur: Armstrong, J.
 Mosk, J.

B153478 People (Not for Publication)
v.
Roberto Bernal

Upon issuance of the remittitur, the superior court clerk is to issue an amended abstract of judgment, which correctly reflects: the imposition of \$100 laboratory fee (Health & Saf. Code 11372.5, subd. (a)); a single \$150 total drug program fee (Health & Saf. Code, 113727, sub. (a)); penalty assessments pursuant to section 1464, subdivision (a) and Government Code section 76000, subdivision (a) on the Health and Safety Code section 11372.5, subdivision (a) laboratory fees in the sums of \$100 and \$70, respectively; and penalty assessments pursuant to section 1464, subdivision (a) and Government Code Section 76000, subdivision (a) on the Healthy and Safety Code section 11372.7, subdivision (a) drug program fee in the sums of \$150 and \$105 respectively. The judgment is affirmed in all other respects.

Turner, P.J.

We concur: Grignon, J.
Mosk, J.

DIVISION FIVE (Continued)

B156131 Los Angeles County, D.C.S. (Not for Publication)
v.
Michelle K.
In re Daniel K. et al.

The judgment is affirmed.

Grignon, J.

We concur: Turner, P.J.
 Armstrong, J.

B156336 People (Not for Publication)
v.
Gilbert Perez

The judgment is affirmed.

Turner, P.J.

We concur: Grignon, J.
 Mosk, J.

B146350 B.W.T. Industries, Inc. et al. (Not for Publication)
v.
Transportation Insurance Company

The summary judgment is reversed. Upon issuance of the remittitur, the trial court is to grant the summary adjudication motion as to the punitive damage claim in the first amended complaint. Plaintiffs, B.W.T. Industries, Inc. and Diana J. Miller, shall recover their costs incurred on appeal from defendant, Transportation Insurance Company.

Turner, P.J.

I concur: Armstrong, J. (Opinion)
I concur and dissent: Mosk, J. (Opinion)

DIVISION FIVE (Continued)

B152684 James M. Slusser (Not for Publication)
 v.
 Felt Restaurant Corporation et al.

The judgment is reversed. Appellant is awarded his costs on appeal.

Armstrong, J.

We concur: Turner, P.J.
 Mosk, J.

B154575 People (Not for Publication)
 v.
 William Curry

The judgment is affirmed.

Armstrong, J.

We concur: Grignon, Acting P.J.
 Mosk, J.

B155837 People (Not for Publication)
 v.
 Herman Gonzalez

The judgment is affirmed.

Armstrong, J.

We concur: Turner, P.J.
 Grignon, J.

DIVISION FIVE (Continued)

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The matter is remanded for the trial court to exercise its discretion and declare this matter to be either a felony or a misdemeanor. The trial court's orders are affirmed in all other respects.

Armstrong, J.

We concur: Turner, P.J.
 Grignon, J.

B154275 People (Not for Publication)
v.
Raymond Dright

The judgment is affirmed.

Armstrong, J.

We concur: Turner, P.J.
 Mosk, J.

B155013 People (Not for Publication)
v.
Jesus C.

The judgment is affirmed.

Armstrong, J.

We concur: Grignon, Acting P.J.
Mosk, J.

DIVISION FIVE (Continued)

B149652 People (Not for Publication)
v.
Gal Groman

The judgment is affirmed.

Armstrong, J.

We concur: Turner, P.J.
 Grignon, J.

B152479 People (Not for Publication)
v.
Javier Perez

The judgment is modified to reflect of presentence custody credit of 112 days in actual custody, and 16 days of conduct credit, for a total of 128 days. In all other respects, the judgment is affirmed.

Turner, P.J.

We concur: Armstrong, J.
 Mosk, J.

B155860 Joe Trujillo (Not for Publication)
v.
Superior Court, Los Angeles County
(Torrance Memorial Home Health & Hospice et

The petition for writ of mandate is granted. Respondent court is directed to vacate its order of November 20, 2001, sustaining real parties' demurrer to petitioner's first cause of action for elder abuse and enter a new order overruling the demurrer on that claim. Costs of this proceeding are awarded to petitioner.

Armstrong, J.

I concur: Mosk, J.
I dissent: Grignon, Acting P.J. (Opinion)

DIVISION SIX

[illegible]

The order of commitment is affirmed.

Yegan, J.

We concur: Gilbert, P.J.
Coffee, J.

B149158 People (Certified for Publication)
v.
Noble

The judgment (order to extend commitment) is reversed.

Yegan, Acting P.J.

We concur: Coffee, J.
Perren, J.

B152961 Kelemen (Not for Publication)
v.
Harsold Pitman, etc.

The judgment is modified to reflect a \$33,284.29 surcharge plus interest, and affirmed as modified. The parties shall bear their own costs on appeal.

Yegan, Acting P.J.

We concur: Coffee, J.
Perren, J.

DIVISION SEVEN

B147685 Robert M. Ferguson (Not for Publication)
 v.
 Beverly Ferguson

The judgment is affirmed. Respondent(s) to recover costs.

Woods, J.

We concur: Lillie, P.J.
 Perluss, J.

B150461 People (Not for Publication)
 v.
 Robert V. Garcia

This matter is remanded to the trial court to conduct an in camera hearing to augment the sealed appellate record with a complete description of the documents the court considered when ruling on the Pitchess motion. At the hearing the trial court is directed to fully identify the documents it reviewed on the record as well as provide a description of the factual information contained in each document. The trial court is further ordered to direct the record of the hearing be sealed and transmitted to this court. The judgment is affirmed in all other respects.

Woods, J.

We concur: Lillie, P.J.
 Perluss, J.

B151449 People (Not for Publication)
 v.
 Jason T. Kindle

The judgment is reversed.

Johnson, J.

I concur: Lillie, P.J.
I dissent: Woods, J. (Opinion)

DIVISION EIGHT

B155029 Los Angeles County, D.C.S. (Not for Publication)

v.

Unique M.

In re Mia S., a Person Coming Under the Juvenile Court Law.

The order of the juvenile court terminating parental rights is affirmed.

Cooper, P.J.

We concur: Rubin, J.
 Boland, J.

B150814 People (Not for Publication)

v.

Jiang

The judgment is affirmed.

Cooper, P.J.

We concur: Rubin, J.
 Boland, J.

B149380 Thompson et al. (Not for Publication)

v.

Fireman's Fund Insurance Company

The judgment is reversed, with directions to enter an order summarily adjudicating the fourth and fifth causes of action of the complaint, and otherwise denying FFIC's motion for summary judgment or summary adjudication. Plaintiffs shall recover costs on appeal.

Cooper, P.J.

We concur: Rubin, J.
 Boland, J.

DIVISION EIGHT (Continued)

B149337 People (Not for Publication)
v.
Stone

The judgment is affirmed.

Cooper, P.J.

We concur: Rubin, J.
Boland, J.

B151933 People (Not for Publication)
v.
Ochoa

The judgment is affirmed.

Cooper, P.J.

We concur: Rubin, J.
Boland, J.

B154148 People (Not for Publication)
v.
Novigrod

The order denying appellant's motion for return of confiscated firearms is affirmed.

Cooper, P.J.

We concur: Rubin, J.
Boland, J.

B151094 People (Not for Publication)
v.
Nava

The matter is remanded for resentencing, with directions not to consider the prior conviction as a violent or serious felony and to award any appropriate custody for time served. In all other respects, the judgment is affirmed.

Cooper, P.J.

We concur: Rubin, J.
Boland, J.